

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

ALICIA SMITH, CAROLINA BOURQUE,  
EMMA BURKEY, CHRISTOPHER CODY  
FLINT, MICHELLE ZIMMERMAN, PhD,  
ERIN RHODES, JESSICA KROGMEIER,  
LORIN JEPPSEN, and REACT19, INC.,

*Plaintiffs,*

-vs.-

UNITED STATES OF AMERICA, UNITED  
STATES HEALTH RESOURCES AND  
SERVICES ADMINISTRATION, UNITED  
STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, and JOHN DOES 1-3,

*Defendants.*

Case No. 3:23-cv-01425

Judge Elizabeth E. Foote

Magistrate Kayla D. McClusky

**JOINT MOTION REQUESTING SCHEDULING ORDER AND HEARING  
ON PLAINTIFFS' RENEWED PRELIMINARY INJUNCTION MOTION**

Plaintiffs and Defendants, by counsel, having conferred in an effort to further the efficient resolution of this case, respectfully move the Court to establish a briefing schedule and hearing date regarding Plaintiffs' forthcoming renewed Motion for Preliminary Injunction ("**Renewed PI Motion**"), to be filed on or before January 17, 2024. The parties submit the following in support of this motion.

1. On December 1, 2023, the Court convened a status conference regarding Plaintiffs' filings before the Court at that time.

2. In light of the Court's guidance during the December 1, 2023 status conference, on December 15, 2023, the parties filed a Joint Notice Regarding Plaintiffs' Preliminary Injunction Motion and Second Amended Complaint (Dkt. 034) wherein Defendants consented to the filing of

Plaintiffs' Second Amended Complaint on or before December 21, 2023. Dkt. 034, ¶ 1. Plaintiffs withdrew their Motion for Preliminary Injunction, without prejudice to Plaintiffs filing a Renewed PI Motion on or before January 17, 2024. *Id.*, ¶¶ 2-3.

3. The parties have agreed to the following filing and briefing schedule, which they respectfully request that the Court adopt:

- January 17, 2024 – Plaintiffs will file their Renewed PI Motion and supporting brief.
- February 16, 2024 – Defendants will file their response to the Renewed PI Motion.
- March 18, 2024 – Plaintiffs will file their reply to Defendants' response. Plaintiffs will also notify the Court whether they seek discovery and what evidence they would present at an evidentiary hearing. Defendants reserve the right to oppose any discovery sought by Plaintiffs and to argue that the Court should not hold an evidentiary hearing on Plaintiffs' Renewed PI Motion.
- April 18, 2024 – Defendants will file their sur-reply to Plaintiffs' reply.
- A hearing on the Renewed PI Motion to be set for a date and time convenient to the Court.
- Defendants' deadline to respond to Plaintiffs' Second Amended Complaint will be 21 days after the Court rules on the Renewed PI Motion.

WHEREFORE, the parties respectfully request that this Court adopt the proposed deadlines listed above and set a hearing date for the Renewed PI Motion.

Dated: December 22, 2023

Respectfully submitted,

/s/ Charlotte Y. Bergeron  
Charlotte Y. Bergeron, Esq.  
Louisiana Bar Number: 24293  
1040 Audubon Street  
Lake Charles, LA 70605  
Tel: (225) 229-7135  
[cbergeronlaw@gmail.com](mailto:cbergeronlaw@gmail.com)

/s/ Aaron Siri  
Aaron Siri, Esq.\* [Trial Attorney]  
New York Bar Number: 4321790  
Elizabeth A. Brehm, Esq.\*  
New York Bar Number: 4660353  
Kevin Mitchell, Esq.\*  
Michigan Bar Number: P84639  
Catherine Cline, Esq.\*  
Florida Bar Number: 125955  
SIRI & GLIMSTAD LLP  
745 Fifth Ave, Suite 500  
New York, NY 10151  
Tel: (212) 532-1091  
Fax: (646) 417-5967  
[aaron@sirillp.com](mailto:aaron@sirillp.com)  
[ebrehm@sirillp.com](mailto:ebrehm@sirillp.com)  
[kmitchell@sirillp.com](mailto:kmitchell@sirillp.com)  
[ccline@sirillp.com](mailto:ccline@sirillp.com)

Walker D. Moller, Esq.\*  
Texas Bar Number: 24092851  
SIRI & GLIMSTAD LLP  
1005 Congress Avenue  
Suite 925-C36  
Austin, TX 78701  
Tel: (512) 265-5622  
Fax: (646) 417-5967  
[wmoller@sirillp.com](mailto:wmoller@sirillp.com)

*Attorneys for Plaintiffs*

\* Admitted *pro hac vice*

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

ERIC B. BECKENHAUER  
Assistant Director, Federal Programs Branch

/s/ Jeremy S. B. Newman  
JEREMY S. B. NEWMAN  
(Mass Bar. No. 688968)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W.  
Washington, DC 20005  
Tel: (202) 532-3114  
Fax: (202) 616-8470  
Email: [jeremy.s.newman@usdoj.gov](mailto:jeremy.s.newman@usdoj.gov)

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2023 I presented the foregoing Joint Motion Requesting Scheduling Order and Hearing on Plaintiffs' Renewed Preliminary Injunction Motion to the Clerk of Court for filing and uploading to the CM/ECF system which will send notification of such filing to all parties or counsels of record.

/s/ Aaron Siri  
Aaron Siri, Esq.